

## Government in America

### CHAPTER 13 OVERVIEW AND OUTLINE

#### CHAPTER OVERVIEW

##### INTRODUCTION

This chapter examines *how presidents exercise leadership* and looks at *limitations* on executive authority. Americans expect a lot from presidents (perhaps too much). The myth of the president as a powerhouse distorts the public's image of presidential reality.

Presidents operate in an environment filled with checks and balances and competing centers of power. Other policymakers with whom they deal have their own agendas, their own interests, and their own sources of power. To be effective, the president must have highly developed political skills to mobilize influence, manage conflict, negotiate, and build compromises. Political scientist Richard Neustadt has argued that presidential power is *the power to persuade*, not to command.

##### THE PRESIDENTS

Throughout *Government in America*, the authors have pointed out the American political culture's strong belief in limited government, liberty, individualism, equality, and democracy. These values generate a distrust of strong leadership, authority, and the public sector in general. Americans are of two minds about the presidency. On the one hand, they want to believe in a powerful president, one who can do good. On the other hand, Americans dislike a concentration of power. Although presidential responsibilities have increased substantially in the past few decades, there has been no corresponding increase in presidential authority or administrative resources to meet these new expectations. Americans are basically individualistic and skeptical of authority.

Most presidents reach the White House through the electoral process. About one in five presidents assumed the presidency when the incumbent president either died or (in Nixon's case) resigned. Almost one-third of twentieth-century presidents have been "accidental presidents." Once in office, presidents are guaranteed a four-year term by the Constitution, but the **Twenty-second Amendment**, passed in 1951, limits them to two such terms.

Removing a discredited president before the end of a term is a difficult task. The Constitution prescribes the process through **impeachment**, which is roughly the political equivalent of an indictment in criminal law. (The term "impeachment" refers to the formal accusation, *not* to conviction.) Only two presidents have been impeached. Andrew Johnson narrowly escaped conviction in 1868 on charges stemming from his disagreement with radical Republicans. In 1998, the House voted two articles of impeachment against President Clinton on party-line votes. The public clearly opposed the idea, however, and the Senate voted to acquit the president on both counts in 1999. In 1974, the House Judiciary Committee voted to recommend the impeachment of Richard

Nixon as a result of the **Watergate** scandal. Nixon escaped a certain vote for impeachment by resigning.

The **Twenty-fifth Amendment** clarified some of the Constitution's vagueness about presidential disability and succession. The amendment permits the vice president to become acting president if the vice president and the president's cabinet determine that the president is disabled or if the president declares his own disability, and it outlines how a recuperated president can reclaim the office. Provision is also made for *selecting a new vice president* when the office becomes vacant. In the event of a vacancy in the office of vice president, the president nominates a new vice president, who assumes the office when both houses of Congress approve the nomination.

## **PRESIDENTIAL POWERS**

The contemporary presidency differs dramatically from the one the framers of the Constitution designed in 1787. The executive office they conceived of had more limited authority, fewer responsibilities, and much less organizational structure than today's presidency.

The Constitution says remarkably little about presidential power: "The executive power shall be vested in a president of the United States of America." *Institutional balance* was essential to delegates at the Constitutional Convention. There is little that presidents can do on their own. They share executive, legislative, and judicial power with the other branches of government. Today there is *more to presidential power than the Constitution alone suggests*, and that power is *derived from many sources*. During the 1950s and 1960s it was fashionable for political scientists, historians, and commentators to favor a powerful presidency. Historians rated presidents from strong to weak – and there was no question that "strong" meant good and "weak" meant bad. By the 1970s, many felt differently. The Vietnam War was unpopular. Lyndon Johnson and the war made people reassess the role of presidential power. In his book, *The Imperial Presidency*, historian Arthur Schlesinger, an aide of John Kennedy's, argued that the presidency had become too powerful for the nation's own good. The role of the president changed as America increased in prominence on the world stage, and technology also helped to reshape the presidency. Presidents themselves have taken the initiative in developing new roles for the office. Various presidents enlarged the power of the presidency by expanding the president's responsibilities and political resources.

## **RUNNING THE GOVERNMENT: THE CHIEF EXECUTIVE**

One of the president's most important roles is *presiding over the administration of government*. The Constitution merely tells the president to "take care that the laws be faithfully executed." Today, the federal bureaucracy includes 4.1 million civilian and military employees and spends more than \$2 trillion annually. One of the resources for controlling the bureaucracy is the presidential power to *appoint top-level administrators*. New presidents have about 500 high-level positions available for appointment (cabinet and subcabinet jobs, agency heads, and other non-civil service posts), plus 2,500 lesser

jobs. In recent years, presidents have paid close attention to appointing officials who will be *responsive to the president's policies*. Presidents also have the power to *recommend agency budgets* to Congress—the result of the Budgeting and Accounting Act of 1921.

Although the group of presidential advisors known as the **cabinet** is not mentioned in the Constitution, every president has had one. Today, fourteen secretaries and the attorney general head executive departments and constitute the cabinet. In addition, individual presidents may designate other officials (such as the ambassador to the United Nations) as cabinet members.

The **Executive Office of the President** (established in 1939) is a loosely grouped collection of offices and organizations. Some of the offices are created by legislation, while others are organized by the president. The Executive Office includes three major policymaking bodies—the National Security Council, the Council of Economic Advisors, and the Office of Management and Budget—plus several other units serving the president.

The Office of Homeland Security was established in 2001 to develop and coordinate the implementation of a comprehensive national strategy to secure the United States from terrorist attacks.

The **White House staff** includes the key aides the president sees daily—the chief of staff, congressional liaison people, press secretary, national security advisor, and a few other administrative political assistants. Presidents rely heavily on their staffs for information, policy options, and analysis. Each president organizes the White House to serve his own political and policy needs, as well as his decision-making style.

Despite heavy reliance on staff, it is *the president who sets the tone* for the White House. They all organize the White House to serve their own political and policy needs and their own decision-making style. The First Lady has no official government position, yet she is often at the center of national attention.

## **PRESIDENTIAL LEADERSHIP OF CONGRESS: THE POLITICS OF SHARED POWERS**

The president is *a major shaper of the congressional agenda*, and the term **chief legislator** is frequently used to emphasize the executive's importance in the legislative process. Presidents' most useful resources in passing their own legislation are their party leadership, public support, and their own legislative skills.

The Constitution also gives the president power to **veto** congressional legislation. If Congress adjourns within ten days after submitting a bill, the president can simply let it die by neither signing nor vetoing it. This process is called a **pocket veto**. The presidential veto is usually effective; only about four percent of all vetoed bills have been overridden by Congress since the nation's founding. Thus, even the threat of a

presidential veto can be an effective tool for persuading Congress to give more weight to the president's views.

**Party leadership** in Congress is every president's principal task when countering the *natural tendencies toward conflict* between the executive and legislative branches. The primary obstacle to party unity is the lack of consensus among party members on policies, especially in the Democratic party. This diversity of views often reflects the diversity of constituencies represented by party members. Although party leaders in Congress are predisposed to support presidential policies and typically work closely with the White House, they are free to oppose the president or to lend only symbolic support. Party leaders are not in a position to reward or discipline members of Congress on the basis of presidential support. The *parties are highly decentralized*, and national party leaders do not control nominations and elections.

One way for the president to improve the chances of obtaining support in Congress is to increase the number of fellow party members in the legislature. The phenomenon of **presidential coattails** occurs when voters cast their ballots for congressional candidates of the president's party because those candidates support the president. Most recent studies show a diminishing connection between presidential and congressional voting, however, and few races are determined by presidential coattails.

Presidents who have the *backing of the public* have an easier time influencing Congress. Members of Congress closely watch two indicators of public support for the president—*approval in the polls* and *mandates in presidential elections*. Public approval is the political resource that has the most potential to turn a situation of stalemate between the president and Congress into one that is supportive of the president's legislative proposals. Widespread support gives the president leeway and weakens resistance to presidential policies, while lack of support strengthens the resolve of those inclined to oppose the president and narrows the range in which presidential policies receive the benefit of the doubt. An electoral *mandate*—the perception that the voters strongly support the president's character and policies—can be a powerful symbol in American politics. It accords *added legitimacy and credibility* to the newly elected president's proposals. Merely winning an election does not provide presidents with a mandate. It is common after close elections to hear claims—especially from the other party—that there was "no mandate." Even large electoral victories carry no guarantee that Congress will interpret the results as mandates, especially if the voters also elect majorities in Congress from the other party.

Presidents influence the legislative agenda more than any other political figure. No matter what a president's skills are, however, the "chief legislator" can rarely exercise complete control over the agenda. Presidents are rarely in a position to create—through their own leadership—opportunities for major changes in public policy. They may, however, use their skills to exploit favorable political conditions to bring about policy change. In general, presidential legislative skills must compete with other, more stable factors that affect voting in Congress, such as party, ideology, personal views and commitments on specific policies, and constituency interests.

## THE PRESIDENT AND NATIONAL SECURITY POLICY

Constitutionally, the president has the leading role in American defense and foreign policy (often termed *national security*). The Constitution allocates certain powers in the realm of national security that are exclusive to the executive. For example, the president alone extends *diplomatic recognition* to foreign governments (and the president can also terminate relations with other nations). The president has the sole power to negotiate *treaties* with other nations, although the Constitution requires the Senate to approve them by a two-thirds vote. Presidents negotiate *executive agreements* with the heads of foreign governments; unlike treaties, executive agreements do not require Senate ratification.

As the leader of the Western world, the president must try to lead America's allies on matters of economics and defense. Presidents usually conduct diplomatic relations through envoys, but occasionally they engage in personal diplomacy. As in domestic policymaking, the president must rely principally on *persuasion* to lead.

Because the Constitution's framers wanted *civilian control of the military*, they made the president the commander in chief of the armed forces. Although only Congress is constitutionally empowered to declare war and vote on the military budget, Congress long ago became accustomed to presidents making short-term military commitments of troops or naval vessels. In 1973 Congress passed the **War Powers Resolution** (over President Nixon's veto). It required presidents to consult with Congress, whenever possible, before using military force, and it mandated the withdrawal of forces after 60 days unless Congress declared war or granted an extension. Congress could at any time pass a concurrent resolution (which could not be vetoed) ending American participation in hostilities. All presidents serving since 1973 have deemed the law an unconstitutional infringement on their powers, and there is reason to believe the Supreme Court would consider the law's use of the **legislative veto** (the ability of Congress to pass a resolution to override a presidential decision) to be a violation of the doctrine of separation of powers. In recent years, presidents have committed U.S. troops to action without seeking congressional approval.

Questions continue to be raised about the relevance of America's 200-year-old constitutional mechanisms for engaging in war. Some observers are concerned that modern technology allows the president to engage in hostilities so quickly that opposing points of view do not receive proper consideration. Others stress the importance of the commander in chief having the flexibility to meet America's global responsibilities and to combat international terrorism.

As chief diplomat and commander in chief, the president is also the country's *crisis manager*. A **crisis** is a *sudden, unpredictable, and potentially dangerous event*. Most occur in the realm of foreign policy; quick judgments are often needed despite sketchy information.

With modern communications, the president can instantly monitor events almost anywhere. Because situations develop more rapidly today, there is a premium on rapid action, secrecy, constant management, consistent judgment, and expert advice. Since *Congress usually moves slowly*, the *president has become more prominent* in handling crises.

Although the president is the dominant force behind national security policy today, Congress also has a central constitutional role in making policy. The allocation of responsibilities for such matters is based upon the founders' apprehensions about the concentration and potential for abuse of power. The founders *divided the powers of supply and command*. Congress can thus refuse to provide the necessary authorizations and appropriations for presidential actions, while the chief executive can refuse to take actions favored by Congress. The role of Congress has typically been *oversight of the executive* rather than initiation of policy.

### **POWER FROM THE PEOPLE: THE PUBLIC PRESIDENCY**

Perhaps the greatest challenge to any president is *to obtain and maintain the public's support*. Because presidents are rarely in a position to command others to comply with their wishes, they must *rely on persuasion*. The necessity of public support leads the White House to employ *public relations techniques* similar to those used to publicize products. Much of the energy the White House devotes to public relations is aimed at increasing the president's *public approval*. The reason is simple: the higher the president stands in the polls, the easier it is to persuade others to support presidential initiatives. Contrary to the conventional wisdom, citizens seem to focus on the president's efforts and stands on issues rather than on personality ("popularity") or simply how presidential policies affect them (the "pocketbook"). Job-related personal characteristics of the president, such as integrity and leadership skills, also play an important role in influencing presidential approval.

Commentators on the presidency often refer to it as a "bully pulpit," implying that presidents can *persuade or even mobilize the public* to support their policies if they are skilled enough communicators. Presidents frequently do attempt to obtain public support for their policies with speeches over the radio or television or speeches to large groups. All presidents since Truman have had *media advice* from experts on such matters as lighting, makeup, stage settings, camera angles, and even clothing.

*Mobilization of the public* may be the ultimate weapon in the president's arsenal of resources with which to influence Congress. The modern White House makes extraordinary efforts to control the context in which presidents appear in public and the way they are portrayed by the press. The fact that presidents nevertheless are frequently low in the polls is persuasive testimony to the *limits of presidential leadership of the public*.

### **THE PRESIDENT AND THE PRESS**

The press has become the *principal intermediary between the president and the public*, and relations with the press are an important aspect of the president's efforts to lead public opinion. It is the mass media that provides people with most of what they know about chief executives and their policies.

Presidents and the press tend to come into conflict with each other. Presidents want to control the amount and timing of information about their administration, while the press wants immediate access to all the information that exists. The best known direct interaction between the president and the press is the presidential press conference. Despite their visibility, press conferences are not very useful means of eliciting information. Presidents and their staffs can anticipate most of the questions that will be asked and prepare answers to them ahead of time, reducing the spontaneity of the sessions. Moreover, the large size and public nature of press conferences reduce the candor with which the president responds to questions.

*Bias* is the most politically charged issue in relations between the president and the press. However, a large number of studies have concluded that the news media are not biased *systematically* toward a particular person, party, or ideology. To conclude that the news contains little explicitly partisan or ideological bias is not to argue that the news does not distort reality in its coverage of the president. Some observers believe that news coverage of the presidency often tends to emphasize the negative. On the other hand, one could also argue that the press is inherently biased *toward* the White House. A consistent pattern of favorable coverage exists in all major media outlets, and the president is typically portrayed with an aura of dignity and treated with deference. In fact, the White House can largely control the environment in which the president meets the press.

## **UNDERSTANDING THE AMERICAN PRESIDENCY**

Concerns over presidential power are generally closely *related to policy views*. Those who oppose the president's policies are the most likely to be concerned about too much presidential power. Aside from acting outside the law and the Constitution, there is little prospect that the presidency will be a threat to democracy. The Madisonian system of checks and balances remains intact.

This system is especially evident in an era characterized by divided government—government in which the president is of one party and a majority in each house of Congress is of the other party. In the past generation, the public has chosen a number of presidents who reflected their ideology and congresses that represented their appetite for public service. It has been the president more often than Congress who has objected to government growth.

## **CHAPTER 13 OUTLINE**

### **I. INTRODUCTION**

A. Americans expect a lot from presidents (perhaps too much). The *myth of the president as a powerhouse* distorts the public's image of presidential reality.

1. To accomplish policy goals, the president must get other people to do things they otherwise would not do.
  2. The main reason presidents have trouble getting things done is that other policymakers with whom they deal have their own agendas, their own interests, and their own sources of power.
  3. Presidents operate in an environment filled with checks and balances and competing centers of power.
- B. To be effective, the president must have highly developed *political skills* to mobilize influence, manage conflict, negotiate, and build compromises. Political scientist Richard Neustadt has argued that presidential power is *the power to persuade*, not to command.

## II. THE PRESIDENTS

- A. The *presidency* is a *highly personal office*: the personality of the individual who serves as president does make a difference.
- B. Americans are of two minds about the presidency.
1. They want to believe in a powerful president—one who can do good.
  2. Americans do not like concentrations of power; they are basically individualistic and skeptical of authority.
- C. Characteristics of presidents.
1. The Constitution simply states that the president must be a naturalborn citizen at least 35 years old and must have resided in the United States for at least 14 years.
  2. All American presidents have been white, male, and (except for John Kennedy) Protestant. In other ways, there has been considerable diversity among recent presidents.
- D. How they got there.
1. Elections: the normal road to the White House.
    - a. Most presidents reach the White House through the electoral process. (see Chapters 8 and 9.)
    - b. Once in office, presidents are guaranteed a four-year term by the Constitution, but the **Twenty-second Amendment** (ratified in 1951) limits them to a maximum of *two terms or ten years*.
    - c. Only 11 of the 41 presidents before Bill Clinton have actually served two or more full terms.
  2. The vice presidency: another road to the White House.
    - a. About one in five presidents assumed the presidency when the incumbent president either died or (in Nixon's case) resigned; in the twentieth century, almost one-third have been "accidental presidents."
    - b. At one time, the selection of the vice president was of little importance. Today, the selection is primarily an effort to placate some important symbolic constituency.
    - c. Once in office, vice presidents find that their main job is waiting.

- (1) Constitutionally, they are assigned the minor task of presiding over the Senate and voting in case of a tie.
- (2) Recent presidents have involved their vice presidents in policy discussions and important diplomacy.

### 3. Impeachment.

- a. Removing a discredited president before the end of a term is a difficult task. The Constitution prescribes the process through **impeachment**, which is roughly the political equivalent of an indictment in criminal law. (The term "impeachment" refers to the formal accusation, *not* to conviction.)
- b. The House of Representatives may impeach the president (and other civil officers) for "Treason, Bribery, or other high Crimes and Misdemeanors." Impeachment requires a simple majority vote of the House.
- c. If the House votes for impeachment, the accused president will be tried by the Senate.
  - (1) The chief justice of the Supreme Court presides when a president is being tried; the vice president (as president of the Senate) will preside if a civil officer other than the president has been impeached.
  - (2) The Senate may convict and remove the president by a two-thirds vote of the senators present.
- d. Impeachment charges are heard first by the House Judiciary Committee or by a select committee, which makes recommendations to the full House.
  - (1) In 1974, the House Judiciary Committee voted to recommend the impeachment of Richard Nixon as a result of the **Watergate** scandal.
  - (2) Nixon escaped a certain vote for impeachment by resigning.
- e. Only two presidents have been impeached: Andrew Johnson in 1868 and Bill Clinton in 1998.

### 4. Presidential succession.

- a. The **Twenty-fifth Amendment** clarified some of the Constitution's vagueness about presidential **disability** and **succession**.
- b. The Amendment permits the vice president to become acting president if the vice president and the president's cabinet determine that the president is disabled or if the president declares his own disability, and it outlines how a recuperated president can reclaim the office.
- c. Provision is also made for *selecting a new vice president* when the office becomes vacant.
  - (1) The president nominates a new vice president, who assumes the office when both houses of Congress approve the nomination.

(2) This provision has been used twice: President Nixon named Gerald Ford as the new vice president after Spiro Agnew resigned in 1973, then President Ford named Nelson Rockefeller after Richard Nixon resigned in 1974.

d. *Statutes* specify the *order of succession* following the president and vice president—from vice president, to the Speaker of the House, to the president *pro tempore* of the Senate, through the cabinet in chronological order according to when the department was created.

### III. PRESIDENTIAL POWERS

A. The contemporary presidency differs dramatically from the one the framers of the Constitution designed in 1787. The executive office they conceived of had more limited authority, fewer responsibilities, and much less organizational structure than today's presidency.

B. Constitutional powers.

1. The constitutional discussion of the presidency begins with these general words: "The executive power shall be vested in a president of the United States of America."
2. The Constitution says little else about presidential authority, going on to list only a few powers.
3. *Institutional balance* was essential to delegates at the Constitutional Convention.
  - a. There is *little that presidents can do on their own*.
  - b. They share executive, legislative, and judicial power with the other branches of government.
4. Powers derived from the Constitution.
  - a. National security powers:
    - (1) Commander in chief of the armed forces;
    - (2) Make treaties with other nations, subject to the agreement of two-thirds of the Senate;
    - (3) Nominate ambassadors, with the agreement of a majority of the Senate; and
    - (4) Receive ambassadors of other nations, thereby conferring diplomatic recognition on other governments.
  - b. Legislative powers:
    - (1) Present information on the state of the union to Congress;
    - (2) Recommend legislation to Congress;
    - (3) Convene both houses of Congress on extraordinary occasions;
    - (4) Adjourn Congress if the House and Senate cannot agree on adjournment; and
    - (5) Veto legislation (Congress may overrule with a two-thirds vote of each house).
  - c. Administrative powers:

- (1) "Take care that the laws be faithfully executed";
- (2) Appoint officials as provided for by Congress and with the agreement of a majority of the Senate;
- (3) Request written opinions of administrative officials; and
- (4) Fill administrative vacancies during congressional recesses.

d. Judicial powers:

- (1) Grant reprieves and pardons for federal offenses (except impeachment); and
- (2) Appoint federal judges with the agreement of a majority of the Senate.

C. The expansion of power.

1. Today there is *more to presidential power than the Constitution alone suggests*, and that power is *derived from many sources*.
2. The role of the president changed as America increased in prominence on the world stage, and technology also helped to reshape the presidency. (see Chapter 3.)
3. Presidents themselves have taken the initiative in developing new roles for the office. Various presidents enlarged the power of the presidency by *expanding the president's responsibilities and political resources*.

#### IV. RUNNING THE GOVERNMENT: THE CHIEF EXECUTIVE

A. One of the president's most important roles is *presiding over the administration of government*.

1. The Constitution merely tells the president to "take care that the laws be faithfully executed."
2. Today, the federal bureaucracy includes 4.1 million civilian and military employees and spends more than \$2 trillion annually.
3. One of the resources for controlling the bureaucracy is the presidential power to *appoint top-level administrators*.
  - a. New presidents have about 500 high-level positions available for appointment (cabinet and subcabinet jobs, agency heads, and other non-civil service posts), plus 2,500 lesser jobs.
  - b. In recent years, presidents have paid close attention to appointing officials who will be *responsive to the president's policies*.
  - c. Presidents have also taken more interest in the *regulations* issued by agencies.
4. Presidents have the power to *recommend agency budgets* to Congress—the result of the *Budgeting and Accounting Act of 1921*.

B. The Vice President.

1. Usually chosen to symbolically reward an important constituency.
2. Main job is to wait for "better" political opportunities.

C. The cabinet.

1. Although the group of presidential advisors known as the **cabinet** is not mentioned in the Constitution, every president has had one.

2. George Washington's cabinet consisted of just three secretaries (state, treasury, and war) and the attorney general. Presidents since Washington have increased the size of the cabinet by asking Congress to create new **executive departments**.

3. Today, thirteen secretaries and the attorney general head executive departments (and constitute the cabinet). In addition, individual presidents may designate other officials (such as the ambassador to the United Nations) as cabinet members.

D. The executive office.

1. The **Executive Office of the President** (established in 1939) is a loosely grouped collection of offices and organizations.

a. Some of the offices are created by legislation (such as the Council of Economic Advisors), while others are organized by the president.

b. The Executive Office includes three major policymaking bodies—the National Security Council, the Council of Economic Advisors, and the Office of Management and Budget—plus several other units serving the president.

2. The **National Security Council (NSC)** is the committee that *links the president's key foreign and military policy advisors*. The president's special assistant for national security affairs and his staff provide the president with information and policy recommendations on national security, aid the president in national security crisis management, coordinate agency and departmental activities bearing on national security, and monitor the implementation of national security policy.

3. The **Council of Economic Advisors (CEA)** has three members, each appointed by the president, who *advise the president on economic policy*. They prepare the *Annual Report of the Council of Economic Advisors* and help the president make policy on inflation, unemployment, and other economic matters.

4. The **Office of Management and Budget (OMB)**, which is the successor to the Bureau of the Budget (BOB), has responsibility for *preparing the president's budget*. (see Chapter 14.)

a. Presidents use the OMB to *review legislative proposals* from the cabinet and other executive agencies so they can determine whether or not they want an agency to propose them to Congress.

b. The OMB assesses the proposals' budgetary implications and advises the president on the proposals' consistency with the administration's overall program.

E. The White House staff.

1. The **White House staff** includes the *key aides* the president sees daily—the chief of staff, congressional liaison people, press secretary, national security advisor, and a few other administrative political assistants.

2. The full **White House Office**, an agency of the Executive Office of the President, (many of whom the president rarely sees) provides the president

with a wide variety of services, ranging from advance travel preparations to answering the thousands of letters received each year.

3. Presidents rely heavily on their staffs for *information, policy options, and analysis*.

4. Each president organizes the White House to serve his own political and policy needs, as well as his decision-making style.

5. Despite heavy reliance on staff, it is *the president who sets the tone* for the White House. It is the president's responsibility to demand that staff members analyze a full range of options (and their likely consequences) before they offer the president their advice.

#### F. The First Lady.

1. Not an official government position.

2. Historically, First Ladies have received a lot of attention and occasionally been active in politics.

3. More recently, First Ladies have been at the center of attention in policymaking matters and played important roles as advisors to their husbands.

## V. PRESIDENTIAL LEADERSHIP OF CONGRESS: THE POLITICS OF SHARED POWERS

### A. Chief legislator.

1. The president is *a major shaper of the congressional agenda*, and the term **chief legislator** is frequently used to emphasize the executive's importance in the legislative process.

2. The Constitution requires the president to report to Congress on the State of the Union and instructs the president to bring other matters to Congress' attention "from time to time."

3. The Constitution gives the president the power to sign or to **veto** congressional legislation (a veto may be overridden by two-thirds of each house).

a. He may also decide not to take any action at all.

b. If Congress is still in session after ten working days, the bill will become law without his signature; if Congress adjourns within ten days after submitting a bill, taking no action will permit the bill to die without his signature (known as a **pocket veto**).

4. The presidential veto is usually effective; only about *four percent* of all vetoed bills have been overridden by Congress. Even the *threat* of a presidential veto can be an effective tool for persuading Congress.

5. In 1996 Congress passed a law granting the president authority to propose rescinding funds in appropriations bills and tax provisions that apply to only a few people.

a. The president has five days following his signing of tax or spending bills to propose rescissions, and the only way such provisions can become law is for Congress to pass them as separate bills, which would then be subject to a presidential veto.

b. The Supreme Court overturned the law as an unconstitutional grant of power to the President in *Clinton v. City of New York* (1998)

B. Party leadership.

1. Presidents' most useful resources in passing their own legislation are their *party leadership*, *public support*, and their own *legislative skills*.
2. **Party leadership** in Congress is every president's principal task when countering the *natural tendencies toward conflict* between the executive and legislative branches.
3. The bonds of party.
  - a. For most senators and representatives, being in the same political party as the president creates a *psychological bond*.
  - b. Presidents remain highly dependent upon their party to move their legislative programs.
  - c. Representatives and senators of the president's party usually form the nucleus of coalitions supporting presidential proposals.
4. Slippage in party support.
  - a. Presidents are forced to be active in party leadership and to devote their efforts to *conversion* as much as to *mobilization of members of their own party*: presidents can count on their own party members for support *no more than two-thirds of the time*, even on key votes.
  - b. The primary obstacle to party unity is the lack of consensus among party members on policies, especially in the Democratic party. This diversity of views often reflects the diversity of constituencies represented by party members (illustrated by the frequent defection of Southern Democrats known as "boll weevils").
5. Leading the party.
  - a. Although party leaders in Congress are *predisposed to support* presidential policies and typically work closely with the White House, they are *free to oppose* the president or lend only symbolic support.
    - (1) Party leaders are not in a position to reward or discipline members of Congress on the basis of presidential support.
    - (2) The White House provides many amenities to congressional party members in an attempt to create goodwill (such as "photo opportunities"), but there is little the president can do if party members wish to oppose the administration.
    - (3) The *parties are highly decentralized*, and national party leaders do not control nominations and elections. (see Chapter 8.)

b. One way for the president to improve the chances of obtaining support in Congress is to *increase the number of party members in the legislature*.

(1) The term **presidential coattails** refers to voters casting their ballots for congressional candidates of the president's party because those candidates support the president. Thus, the symbolism was that the candidates would "ride into office on the president's coattails."

(2) However, most recent studies show a *diminishing connection* between presidential and congressional voting.

(3) In **midterm elections**—those held between presidential elections—the president's party typically *loses* seats; in 1994 the Democrats lost eight Senate seats and 53 House seats, losing control of both houses in the process. The 1998 election was an exception: the Democrats gained five seats in the House.

c. A major impediment to party leadership is the fact that the president's party often lacks a majority in one or both houses of Congress.

(1) The president usually has to solicit help from the opposition party.

(2) Although only a few votes may be obtained, that may be enough to bring the president the required majority.

### C. Public support.

1. Presidents who have the *backing of the public* have an easier time influencing Congress. Members of Congress closely watch two indicators of public support for the president—*approval in the polls* and *mandates in presidential elections*.

#### 2. Public approval.

a. Public approval is *the political resource that has the most potential* to turn a situation of stalemate between the president and Congress into one that is supportive of the president's legislative proposals.

(1) Widespread support gives the president leeway and weakens resistance to presidential policies.

(2) Lack of support strengthens the resolve of those inclined to oppose the president and narrows the range in which presidential policies receive the benefit of the doubt.

(3) Low ratings in the polls may create incentives to attack the president, further eroding an already weakened position.

b. Public approval gives the president leverage, not control; presidents' leadership resources do not allow them to dominate Congress.

#### 3. Mandates.

a. An electoral **mandate**—the perception that the voters strongly support the president's character and policies—can be a powerful symbol in American politics. It accords *added legitimacy and credibility* to the newly elected president's proposals.

b. *Merely winning an election does not provide presidents with a mandate.*

(1) It is common after close elections to hear claims—especially from the other party—that there was "no mandate" (as with Bill Clinton's election in 1992).

(2) Even large electoral victories (such as Richard Nixon's in 1972 and Ronald Reagan's in 1984) carry no guarantee that Congress will interpret the results as mandates, especially if the voters also elect majorities in Congress from the other party.

#### D. Legislative skills.

1. Presidents influence the legislative agenda more than any other political figure.

a. No matter what a president's skills are, however, the "chief legislator" can rarely exercise complete control over the agenda.

b. Presidents are rarely in a position to create—through their own leadership—opportunities for major changes in public policy. They may, however, use their skills to exploit favorable political conditions to bring about policy change.

2. Presidential leadership skills include *bargaining, making personal appeals, consulting with Congress, setting priorities, exploiting "honeymoon" periods, and structuring congressional votes.*

a. Bargaining—in the form of trading support on two or more policies or providing specific benefits for representatives and senators—occurs less often and plays a less critical role in the creation of presidential coalitions in Congress than is often implied.

b. Presidents may improve their chances of success in Congress by making certain strategic moves.

(1) It is wise for a new president to be ready to send legislation to the Hill during the first year in office in order to exploit the "honeymoon" atmosphere that typically characterizes this period.

(2) It is important to establish *priorities* among legislative proposals.

3. In general, presidential legislative skills must compete with other, more stable factors that affect voting in Congress, such as party, ideology, personal views and commitments on specific policies, and constituency interests.

## VI. THE PRESIDENT AND NATIONAL SECURITY POLICY

- A. Constitutionally, the president has the leading role in American defense and foreign policy (often termed **national security**).
- B. Chief diplomat.
1. The Constitution allocates certain powers in the realm of national security that are exclusive to the executive.
    - a. The president alone extends **diplomatic recognition** to foreign governments (and the president can also terminate relations with other nations).
    - b. The president has the sole power to negotiate **treaties** with other nations, although the Constitution requires the Senate to approve them by a two-thirds vote.
    - c. Presidents negotiate **executive agreements** with the heads of foreign governments; unlike treaties, executive agreements do not require Senate ratification.
  2. As the leader of the Western world, the president must try to lead America's allies on matters of economics and defense.
    - a. Presidents usually conduct diplomatic relations through envoys, but occasionally they engage in personal diplomacy.
    - b. As in domestic policymaking, the president must rely principally on *persuasion* to lead.
- C. Commander in chief.
1. Because the Constitution's framers wanted *civilian control of the military*, they made the president the commander in chief of the armed forces.
  2. Today the president is commander in chief of nearly 1.4 million uniformed men and women, with commitments to defend nations around the globe.
  3. The president commands a vast nuclear arsenal; *the football*—a briefcase that contains the codes to unleash our nuclear capabilities—is never more than a few steps from the president.
- D. War powers.
1. Although only Congress is constitutionally empowered to declare war and vote on the military budget, Congress long ago became accustomed to presidents making short-term military commitments of troops or naval vessels.
  2. In recent years, presidents have committed U.S. troops to action without seeking congressional approval (as in Korea and Vietnam).
  3. As a reaction to disillusionment about American fighting in Vietnam and Cambodia, Congress passed the **War Powers Resolution** (1973) over President Nixon's veto.
    - a. It required presidents to *consult with Congress*, whenever possible, *prior to using military force*, and it mandated the *withdrawal of forces after 60 days unless Congress declared war or granted an extension*. Congress could at any time pass a *concurrent resolution* (which cannot be vetoed) ending American participation in hostilities.

- b. All presidents serving since 1973 have deemed the law an unconstitutional infringement on their powers, and there is reason to believe the Supreme Court would consider the law's use of the **legislative veto** to end American involvement a *violation of the doctrine of separation of powers*.
  - c. Presidents have largely ignored the law and sent troops into hostilities.
4. Questions continue to be raised about the relevance of America's 200-year old constitutional mechanisms for engaging in war.
- a. Some observers are concerned that modern technology allows the president to engage in hostilities so quickly that opposing points of view do not receive proper consideration.
  - b. Others stress the importance of the commander in chief having the flexibility to meet America's global responsibilities and to combat international terrorism.
  - c. There has been much controversy over the issue of who should be able to commit the United States to war, but the public has overwhelmingly indicated a desire for Congress to be involved in the decision.

#### E. Crisis manager.

1. As chief diplomat and commander in chief, the president is also the country's *crisis manager*.
2. A **crisis** is a *sudden, unpredictable, and potentially dangerous event*.
  - a. Most occur in the realm of foreign policy; quick judgments are often needed despite sketchy information.
  - b. Crises are rarely the president's doing, but they can be the president's undoing if badly handled.
3. Early in American history, there were fewer immediate crises. a. Communications could take weeks, or even months, to reach Washington.
  - b. Likewise, officials' decisions often took weeks or months to reach those who were to implement them.
4. With *modern communications*, the president can *instantly monitor events* almost anywhere.
  - a. Because situations develop more rapidly today, there is a *premium on rapid action*, secrecy, constant management, consistent judgment, and expert advice.
  - b. Since *Congress usually moves slowly*, the *president has become more prominent* in handling crises.

#### F. Working with Congress.

1. Congress has a central constitutional role in making national security policy.
  - a. The allocation of responsibilities for such matters is based upon the founders' apprehensions about the concentration and potential for abuse of power.
  - b. The founders *divided the powers of supply and command*: Congress can thus refuse to provide the necessary authorizations

and appropriations for presidential actions, while the chief executive can refuse to act (for example, by *not* sending troops into battle).

2. Despite the constitutional role of Congress, the president is the dominant force behind national security policy.
  - a. The role of Congress has typically been *oversight of the executive* rather than initiation of policy.
  - b. Commentators on the presidency often refer to the *two presidencies* — one for domestic policy and the other for national security policy. By this they mean the president has more success in leading Congress on matters of national security than on matters of domestic policy.

## VII. POWER FROM THE PEOPLE: THE PUBLIC PRESIDENCY

A. Perhaps the greatest challenge to any president is *to obtain and maintain the public's support*. Because presidents are *rarely in a position to command* others to comply with their wishes, they must *rely on persuasion*.

B. Going public.

1. *Public opinion can be an important resource for presidential persuasion.*
2. The necessity of public support leads the White House to employ *public relations techniques* similar to those used to publicize products.
  - a. John Kennedy was the first president to regularly use public appearances to seek popular backing for his policies.
  - b. Kennedy's successors (with the exception of Richard Nixon) have been even more active in making public appearances.
  - c. The *integration of policy goals and public communications* is an especially prominent feature of the Clinton administration.
3. In America, the jobs of **head of state** (ceremonial) and **head of government** (executive authority) are combined.
  - a. As head of state, the president is America's *ceremonial leader and symbol of government*.
  - b. Ceremonial activities give presidents an important symbolic aura and a great deal of favorable press coverage, contributing to their efforts to build public support.

C. Presidential approval.

1. The president's standing in the polls is monitored closely by the press, members of Congress, and others in the Washington political community: the higher the president stands in the polls, the easier it is to persuade others to support presidential initiatives.
2. Presidents *frequently do not have widespread public support*, often failing to win even majority approval.
3. Presidential approval is the product of many factors.
  - a. Many people are predisposed to support the president.
    - (1) *Political party identification* provides the basic underpinning of approval or disapproval.

(2) Presidents usually benefit from a "honeymoon" with the American people after taking office.

b. *Changes* in approval levels appear to be due primarily to the public's evaluation of how the president is handling policy.

(1) *Contrary to conventional wisdom*, citizens seem to focus on the president's efforts and stands on *issues* rather than on personality or simply how presidential policies affect them.

(2) Job-related personal characteristics of the president—such as integrity and leadership skills—also play an important role.

(3) Sometimes public approval of the president takes sudden jumps, often stimulated by "rally events" that relate to international relations (illustrated by President Bush's 18-percentage-point rise immediately after the fighting began in the Persian Gulf War in 1991 and George W. Bush's 39 percentage point jump in 2001). Such occurrences usually have little enduring impact on a president's public approval.

4. The modern White House makes extraordinary efforts to control the context in which presidents appear in public and the way they are portrayed by the press. The fact that presidents nevertheless are frequently low in the polls is persuasive testimony to the *limits of presidential leadership of the public*.

#### D. Policy support.

1. Commentators on the presidency often refer to it as a "bully pulpit," implying that presidents can *persuade or even mobilize the public* to support their policies if they are skilled-enough communicators.

a. Presidents frequently do attempt to obtain public support for their policies with speeches over the radio or television or speeches to large groups.

b. All presidents since Truman have had *media advice* from experts on such matters as lighting, makeup, stage settings, camera angles, and even clothing.

2. Despite these efforts, presidential speeches designed to lead public opinion have typically been rather unimpressive.

3. The public is not always receptive to the president's message, and the public may misunderstand or ignore even the most basic facts regarding presidential policy.

#### E. Mobilizing the public.

1. *Mobilization of the public* may be the ultimate weapon in the president's arsenal of resources with which to influence Congress.

a. Mobilizing the public entails the double burden of obtaining both opinion *support* and political *action* from a generally inattentive and apathetic public.

b. There are certain *risks* involved: if the president attempts to mobilize the public and fails, the lack of response speaks clearly to members of Congress.

2. Perhaps the most notable recent example of the president mobilizing public opinion to put pressure on Congress was Ronald Reagan's televised

plea for support of his tax-cut proposals, which resulted in a massive outpouring of phone calls, letters, and telegrams.

- a. Reagan's success appears to be a deviant case (even for Ronald Reagan).
- b. Despite high levels of approval for much of his presidency, Reagan was never again able to arouse many in his audience to communicate their support of his policies to Congress.

## VIII. THE PRESIDENT AND THE PRESS

A. The press has become the *principal intermediary between the president and the public*, and relations with the press are an important aspect of the president's efforts to lead public opinion.

1. It is the mass media that provides people with most of what they know about chief executives and their policies.
2. The media also interpret and analyze presidential activities, even the president's direct appeals to the public.

B. Presidents and the press *tend to conflict*.

1. Presidents want to control the amount and timing of information about their administration.
2. The press wants all the information that exists, without delay.

C. Because of the importance of the press to the president, the White House goes to great lengths to encourage the media to project a positive image of the president's activities and policies.

1. The White House monitors the media closely.
2. The president's *press secretary* conducts daily press briefings, giving prepared announcements and answering questions.
3. Press secretaries and their staffs arrange private interviews with White House officials, photo opportunities, and travel arrangements for reporters when the president leaves Washington.
4. The best-known direct interaction between the president and the press is the presidential *press conference*.

a. Despite their high visibility, press conferences are *not very useful means of eliciting information*.

b. Although press conferences may appear spontaneous, presidents and their staffs can anticipate most of the questions that will be asked and prepare answers to them ahead of time.

D. Most of the news coverage of the White House comes under the heading of "*body watch*," which means that reporters focus on the most visible layer of presidents' personal and official activities rather than on the substance of policies or the fundamental processes operating in the executive branch.

E. *Bias* is the most politically-charged issue in relations between the president and the press.

1. A large number of studies have concluded that the news media is not biased *systematically* toward a particular person, party, or ideology.

2. Some observers believe that news coverage of the presidency often tends to emphasize the negative; George Bush's handling of the economy during the 1992 election campaign is an example.

F. One could also argue that the press is inherently biased *toward* the White House.

1. A consistent pattern of favorable coverage exists in all major media outlets, and the president is typically portrayed with an aura of dignity and treated with deference.
2. The White House can largely control the environment in which the president meets the press (as when Marine helicopters revved as President Reagan approached them so that he "could not hear" reporters' questions).

## **IX. UNDERSTANDING THE AMERICAN PRESIDENCY**

A. The presidency and democracy.

1. Because the presidency is the single most important office in American politics, there has always been concern about *whether the president is a threat to democracy*.
2. Concerns over presidential power are generally closely *related to policy views*: those who oppose the president's policies are the most likely to be concerned about too much presidential power.
3. In an era of divided government, some observers are concerned that there is *too much checking and balancing* and *too little capacity to act* to meet pressing national challenges. However, the best evidence indicates that major policy change is *not* hindered by divided government—that it is as likely to occur when the parties share control as when party control of the executive and legislative branches is divided.

B. The presidency and the scope of government.

1. Supporting an increased role for government is not inherent in the presidency; leadership can move in many directions.
2. In the past generation, the public has chosen a number of presidents who reflected their ideology and congresses that represented their appetite for public service.
3. It has been the president more often than Congress who has objected to government growth.