Introduction
Although recent presidents have encountered numerous political troubles, the institution of the American presidency has grown in power and prominence over the past century. Designed as a “unitary” office, the presidency possesses a capacity for quick decision and action. In the twentieth century, a strong executive emerged and was institutionalized in American national politics as the power of the president, the office of the presidency and the executive branch, and popular expectations for strong presidential leadership all increased. Even if the Founders anticipated that Congress would be the predominant branch of government, things have changed and contemporary presidents wield formidable formal and informal resources of governance.

1. The Constitutional Basis of the Presidency What was the character of the presidency that the Constitution established? How did the process of presidential selection help to define this character? How have changes in presidential selection affected presidential leadership?
   • Article II of the Constitution vested the executive power in an independent, unitary president of the United States. Although some delegates to the Constitutional Convention favored a multiperson “executive council,” most framers thought a unitary (single-person) executive was preferable because it could take quick and aggressive action.
   • Much of Article II is devoted to setting forth how the president will be selected. As opposed to Congress or the people selecting the president, the Constitution established the “electoral college” as an indirect means of electing the president, thus making the executive responsible to the state and national legislators rather than to the electorate.
   • Presidential independence of Congress was strengthened in the nineteenth century as party conventions displaced the less democratic caucus system (known as “King Caucus”) and nominations of presidential candidates became more democratized; the continued democratization of presidential selection with the eventual adoption of the system of primary elections in the twentieth century further enhanced presidential independence.

2. The Constitutional Powers of the Presidency What are the kinds of constitutional powers endowed to the president? How have these powers changed over time?
   • Scholars cite three main types of presidential powers: expressed powers, delegated powers, and inherent powers.
     o **Expressed powers** are those powers specifically granted to the president in Article II, Sections 2 and 3, of the Constitution.
     o Given that Article II declares that the president “shall take Care that the Laws be faithfully executed,” when Congress enacts laws, it delegates power to the president and the executive branch to implement its will; such **delegated powers** constitute an important, expandable source of presidential strength.
     o **Inherent powers** are those that presidents claim that are not expressed in the Constitution but are inferred from it.
• The president’s expressed powers, as defined by Article II, Sections 2 and 3, include military, judicial, diplomatic, executive, and legislative powers.
  o As “Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States,” the president possesses military powers and is head of the nation’s security and intelligence agencies; these powers also include deploying troops to enforce federal decisions and declarations of "states of emergency."
  o The president exercises judicial power when he or she grants pardons, reprieves and amnesty.
  o As “head of state,” the president has the diplomatic powers to make treaties (though their ratification requires Senate approval), receive ambassadors, and create executive agreements.
  o The president also possesses executive powers that include the duty to see that all laws are faithfully executed and the power to appoint principal executive officers and federal judges (though this requires Senate approval); as chief executive, the president enjoys a power known as “executive privilege,” which makes confidential the communications between the president and his or her advisers and adds to executive power.
  o Charged by the Constitution with “giv[ing] to the Congress Information on the State of the Union” and the power to veto legislation, presidents also have powers in the legislative process; these legislative powers have transformed and expanded to include legislative initiative, the ability to bring a legislative agenda before Congress, and the issuance of executive orders that instruct the executive branch and often have the effect of legislation. For example, soon after taking office, President Barack Obama seized the initiative in presenting Congress with a budget proposal designed to address America’s financial crisis and recessed economy; he also used executive orders to change several Bush administration policies related to the “war on terror.”
• Presidents’ delegated powers are those not found in the Constitution but rather are the products of congressional statutes and resolutions.
  o Congress has, for the most part, volunteered to delegate legislative authority to the executive since it cannot administer all of the laws and programs it creates.
  o The scope and degree of specificity of congressional delegations varies by legislation and over time.

3. The Rise of Presidential Government

What was the president’s role during the era of legislative supremacy from 1800 to 1933? How did Franklin Roosevelt transform the power of the presidency and facilitate the rise of presidential government?

• Consistent with the Constitution’s clear intent of legislative supremacy, the nineteenth and early twentieth century are characterized as a “Legislative Epoch” in which American government was deemed by Woodrow Wilson to be “Congressional Government” and in which presidents were often seen as little more than “chief clerks” implementing Congress’s will.
• Not linked to or representative of major national and social forces, the nineteenth-century presidency left only occasional room for presidential greatness.
• The rise of national conventions in the 1830s strengthened the office somewhat, though Congress kept a tight rein on powers of the presidency.
• The modern presidency began with Franklin D. Roosevelt (FDR), who in his first 100
days in office took the reins of the executive branch and eventually promoted policies in
Congress that transformed the size and character of American national government.
• These newly passed programs provided for national government intervention in
American economic life and challenged the traditional balance of power in federalism
and the separation of powers.
  o The New Deal programs took decisive action to expand role of the national
government.
  o Increased congressional delegation led to enhanced executive powers, and the
Supreme Court eventually upheld the New Deal’s federalism changes and broad
degradations. Power was given to FDR because of the economic crisis of the Great
Depression.

4. Presidential Government With the locus of policy decision making shifting from the
Congress to the executive branch, how is presidential government performed and legitimated?
What are the formal resources of presidential power? What are the contemporary political bases
of presidential government? And how do presidents lead the expanded administrative state?
• Presidential government is based, in part, on a number of formal, institutional resources
including the cabinet, the White House staff, the executive office of the president, and the
vice presidency.
  o The secretaries of the major departments of the national government constitute the
president’s cabinet of advisers, which serves as a source of political support and
policy coordination and advice; an “inner cabinet” in the National Security
Council was established in 1947 and provides the president with expert
intelligence and foreign policy advice.
  o The White House staff of analysts and advisers to the president is an important
source of information and a management tool for presidents seeking to control the
broader executive branch.
  o The Executive Office of the President (EOP) is the broader group of agencies that
perform tasks for the president; such agencies include the Office of Management
and Budget (OMB), the Council of Economic Advisers, the National Security
Council, and others.
  o The vice president and the office of the vice presidency serve as important
political and management resources for the institutional presidency, too.
  o Taken collectively, the president’s institutional resources have helped presidents
gain greater control over public policy decisions in the legislative and
administrative processes.
• Contemporary presidents have expanded their power by three chief means: party, popular
mobilization, and administration.
  o Presidents rely on their parties as sources of power, often calling upon partisan
institutions to exert influence in the legislative process and facing difficulties
during periods of divided government, when the other party controls at least one
of the two chambers of Congress.
  o “Going public,” contemporary presidents often use mass media appeal directly to
the electorate for support on a particular issue; critics claim that this had led to a
permanent campaign in the presidential leadership.
Employing various forms of leverage over the expanded administrative state, contemporary presidents seek to influence policy and govern sometimes even without congressional, partisan, or public support.

- Increasing the reach and power of the Executive Office of the President, presidents seek to control the executive branch, particularly through OMB’s ability to approve or disapprove of federal agencies’ spending requests.
- Exerting similar review over agencies’ abilities to propose and promulgate regulatory rules, the White House has increased its control over the federal bureaucracy.
- Expanding the use of executive orders and other instruments of direct presidential governance, contemporary presidents do a great deal of governing “by decree.”
- In recent years, presidents have used signing statements, policy statements made when the president signs a bill into law, to shape the interpretations and implementation of laws passed by Congress. Although signing statements have a longer history, presidents since Ronald Reagan have used them to affect policy; this practice and the controversies surrounding it reached a high point during the administration of George W. Bush.

5. Presidential Power: Myths and Realities

Must presidential power increase during times of emergency? Are presidents better guardians of the public interest than Congress? Is the presidency a more democratic branch of government than the Congress? That is, does the president have closer ties to the people than Congress does?

- Although the unity of the presidency allows for the “dispatch” and secrecy needed to respond to emergencies (particularly those involving national security), the framers of the Constitution gave many of the powers to respond to security threats to Congress and Congress rarely, if ever, fails to respond to national emergencies. Moreover, accumulated presidential power, it seems, is not reserved for emergencies; rather, presidents use it routinely.
- Some have argued that expanded presidential power is a good thing because presidents are better positioned to perceive and represent the “national good,” particularly compared to a Congress that is overly focused on re-election and local interests. Still, enough examples of presidential personal ambition, partisanship, and preference for special interests exist to challenge this alleged truism.
- Advocates of presidential power also claim that presidents, as representatives of national constituencies, are closer to the people than Congress. But much of the actual exercise of presidential power takes place in secret (indeed, a constitutionally protected secrecy), rendering much of presidential politics too far removed from the people to justify this questionable assumption.
## Terms to Know

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<td>Unified Government</td>
<td>War Powers Act (1973)</td>
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<td>Electoral college</td>
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<td>Faithless or “rouge” electors</td>
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