

## 2.6

### Expansion of Presidential Power

#### **Explain how presidents have interpreted and justified their use of formal and informal powers.**

Alexander Hamilton outlined his hopes for a single American chief executive in Federalist 70. The president by no means was intended to be weak. Hamilton wrote:

*Energy in the Executive is a leading character in the definition of good government. It is essential to the protection of the community against foreign attacks; it is not less essential to the steady administration of the laws; to the protection of property against those irregular and high-handed combinations which sometimes interrupt the ordinary course of justice; to the security of liberty against the enterprises and assaults of ambition, of faction, and of anarchy. Every man the least conversant in Roman story, knows how often that republic was obliged to take refuge in the absolute power of a single man, under the formidable title of Dictator, as well against the intrigues of ambitious individuals who aspired to the tyranny, and the seditions of whole classes of the community whose conduct threatened the existence of all government, as against the invasions of external enemies who menaced the conquest and destruction of Rome.*

Hamilton's description, however, appears to overstate the role of president as taught by both historical experience and political science.

For many presidents throughout our history we barely remember their names. Powerful presidents were either made by extreme circumstances like wars and economic depressions or possessing certain charismatic qualities. But as we were often taught in school, U.S. presidents were not intended to be powerful.

Presidents face many checks on their power. The constitution gave presidents few unilateral powers. The Senate, through their advice and consent authority, is authorized to confirm and approve presidential activity. Federalism dilutes federal power even more. And more particularly, the Twenty-Second Amendment now limits presidential terms. No president can serve longer than two four-year terms.

We have, in more recent years, come to expect much more from our president. The President of the United States has to wear many hats. Today's modern president is expected to fulfill many different roles. These roles include:

1. Chief Executive – the President oversees the vast powers of the United States government. Ultimately the President takes responsibility for governing. When times are good the President receives praise but when they are bad he is left with the blame.

The President's closest political and policy advisors are to be found in the White House Office, sometimes called the Executive Office. Members of the White House Office are generally drawn from the President's campaign. As chief executive the President is called upon to make the final decisions in all public policy matters facing the nation.

2. Commander-in-Chief – The constitution created a military that would be lead by a civilian. The Framers hoped that such a set up might make war less common. The President of the United States, a civilian, is in charge of our entire military. Congress declares war but the President mobilizes troops at his command. First strike capabilities are not checked or balanced by any other branch of government. The President of the United States can launch a nuclear strike at any time, for any reason. He is the commander-in-chief.

3. Chief of Party – Chief of Party is an informal power. There is no mention of this role in the United States Constitution. Though political parties are not mentioned in the Constitution, they undeniably play an important role in our government. As Chief of Party the President oversees electoral strategies, issues, agendas and public policy priorities. The President also plays a major role in raising campaign money for candidates from his party. When the majority of Congress shares the same party as the President it is called a unified government. When the two are different it is called a divided government.

4. Chief of State – This may be the President's most esoteric role. Yet some would call it the most important. This role is primarily ceremonial. As Chief of State the President serves as the embodiment of America. When there are important occasions around the world to attend our President goes. When important visitors come to America our President serves as host. When we honor our heroes, the President awards them. If there is a solemn event our President speaks to the nation to console us. Throughout history the King played this role. We have no king. The stand in for Chief of State is our President. Our president is "first citizen."

5. Chief Legislator – Though the Congress is given primary responsibility for writing laws our president serves as Chief Legislator. The power of veto, the power to reject laws, is given solely to the president. Fewer than 4% of presidential vetoes are overridden. In addition, the constitution requires the president to give annually a State of the Union address. Often this is a legislative agenda for the year. Through his bully pulpit no single person in our government is situated better to influence the legislative process than the president of the United States.

6. Chief Diplomat – One of the clearest powers granted to the president is his authority in foreign policy. Appointing ambassadors, receiving foreign guests and designing treaties with other nations is a fundamental part of a president's term. The State Department along with the Secretary of State completes much of this work. However, the president conducts the highest levels of negotiations. The president makes agreements with foreign powers. Formal treaties require Senate approval but executive

agreements do not. As globalization spreads more and more around the world the role of Chief Diplomat takes on greater and greater importance.

When looking at these roles it is hard to imagine that our Founders wanted a weak President. The Framers may have feared monarchy as much as anarchy but they also understood the necessity of creating an energetic President. This type of President had strict limits but could respond to national crises with imminent effectiveness.

Of course, different perspectives on presidential power, ranging from a limited to a more expansive interpretation, continue to be debated in the context of contemporary events. Yet presidential power, today, is undeniable. According to an authority on presidential power,

*The modern president sits atop a vast military and civilian bureaucracy capable of generating laws, adjudicating disputes, and executing policy. No other governing officer has available such an immense range of resources and legal tools to shape the everyday lives of Americans. No other governing office is as visible a representation of Americans. No other governing office is as visible a representation of American constitutional aspirations. Presidents shape not only specific national policies but also normative conceptions of constitutional meaning, each capable of mobilizing people and resources. Moreover, through the constitutional visions they articulate, presidents seek legitimacy for the practices that further their policies. Rooted in constitutional claims, new policy directions find legitimacy in their coherence with our constituted past. A political reward for winning the presidency is the ability to use the office's substantial public voice to persuade others to see the national community in a way that furthers the office holder's preferred vision. Marshaling party and patronage, the modern president has the ability to communicate to the American people through many voices utilizing all the tools of modern media communications. In turn, when people seek government action, the president is the most direct recipient of the public's attention.*

The U.S. Constitution may be ambiguous when it comes to enumerating presidential power. But history, experience and even contemporary events leave little doubt that the office of president was and is an office filled with great energy.