

The Modern Presidency

James P. Pfiffner



edition

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THE MODERN PRESIDENCY

SIXTH EDITION

James P. Pfiffner

George Mason University



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James P. Pfiffner

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*For E. John Pfiffner:
godfather, uncle, artist, friend
and for Morgan Meehan Pfiffner, my son*

PREFACE

In 1933, Franklin Roosevelt had only a few aides to help him draft and shepherd into law his famous “100 Days” legislative agenda. In 2009, there were more than 400 people in the White House Office, 1,850 in the Executive Office of the President (which includes the White House Office), with a total of almost 5,000 serving the president and the White House more broadly. In the 1930s, there were fewer than 150 presidential appointees to manage the executive branch. In 2009, there were more than 600 (plus 3,000 more political appointees). In the 1930s and 1940s, the aides to the president were most often generalists. In the early twenty-first century, the presidency comprised a plethora of complex bureaucracies filled with specialists.

This book was written to try to explain how the presidency got from there to here. As an introduction to the presidency, it does not attempt to describe or explain all aspects of the office. Rather, its purpose is to focus on the transformation of the presidency from a small group of advisers to a large collection of bureaucracies supporting the president. Thus, the emphasis is not so much on the president as a person but on all of the supporting people and institutions, what some have called the “presidential branch,” to distinguish it from the rest of the executive branch over which the president presides. But the executive branch is a hierarchy accountable to the president, who plays the executive role in the constitutional separation of powers system.

In analyzing the transformation of the modern presidency, the book considers the changes in the nomination/election process as the citizenry has become more involved through primary elections. The president’s relationship to the public has also been transformed through sophisticated presidential use of modern communications technology and the twenty-four-hour news cycle. When the president speaks publicly, the words are instantaneously broadcast throughout the world.

The book is based on the premise that organization, advisers, and institutions make a difference. If the presidency is well organized, the president is more likely to be successful. Poor administration can lead to blunders or disaster. A separate chapter is devoted to organizing the White House staff and the crucial role of the chief of staff in the modern presidency. Essential jobs for the president, such as making political appointments or liaison with Congress, began with the president designating one person to be the primary adviser. But these seedlings of organization have now grown into well-established bureaucratic units that are central to the operation of the presidency in the twenty-first century. The book traces the institutionalization of White House functions in the Executive Office of the President and explains the gradual replacement of cabinet secretaries by White House staffers as the primary advisers to the president.

The Framers of the Constitution believed that Congress would dominate national policy making, and their expectations were borne out during the nineteenth century. But over the decades of the twentieth century, the pendulum of presidential power vis-à-vis Congress swung back and forth. After the “Imperial Presidency” of the Johnson and Nixon years, Congress reasserted its own institutional prerogatives in the 1970s. The Reagan and George H. W. Bush administrations began a reassertion of presidential primacy. With the takeover of Congress by the Republicans in 1995, Congress began to push its own priorities, culminating in the impeachment of President Clinton in 1998. But when President George W. Bush took office, with the Republican Congress willing to do his bidding, presidential domination of the policy process reappeared. President Bush and his administration, especially after 9/11, self-consciously asserted presidential prerogatives through the commander-in-chief power, signing statements, and political control of the executive branch. Two chapters deal with presidential relations with Congress and examine more and less effective ways to promote the president’s agenda in the domestic and national security arenas. Case studies present concrete, historical examples of presidential action in dealing with Congress and national security crises.

The concluding chapter takes up the issues of abuse of power and presidential reputation. The modern presidency has seen disturbing instances of overreaching by presidents; Watergate, Iran-Contra, and President Clinton’s impeachment are three examples of crises in the presidency that were internally generated. That is, they did not originate from external “enemies” of the president but rather from inside the presidency itself. In his attempt to enhance executive power at the expense of Congress and the courts, President George W. Bush sometimes overstepped the bounds of the Constitution. The final chapter examines these controversies as well as the question of presidential reputation and how it often fluctuates with changing historical circumstances.

This sixth edition has been revised and updated throughout to bring the data and analysis up through the first six months of the Obama administration. Chapters 4 and 5 have been combined, some of the administrative histories of agencies have been dropped, and the major reorganizations of the intelligence community and creation of the Department of Homeland Security have been added. Both the Bush and Obama presidencies will mark turning points in American history. After the atrocities of 9/11, President Bush began two wars that continued into the

Obama presidency, with no clear outcomes in sight. In his conduct of the war on terror President Bush sometimes ignored the advice of career civilian and military leaders, and this new edition analyzes how this occurred. After the 2004 election, President Bush took to the road to convince the American public that changes in the Social Security system were needed. A new case study explains why his efforts were futile, despite his reelection in 2004.

President Obama's election was historic because Americans for the first time elected an African American as president. And the Democratic primary elections were historic in that Hillary Clinton was the first female presidential candidate who had a realistic chance of winning the presidential nomination and the presidency. She was only narrowly defeated by Barack Obama in the Democratic nomination contests. These developments are the subject of analysis in Chapter 2.

Barack Obama took over the presidency during the most ominous economic circumstances since the Great Depression, and his policy agenda was the most ambitious since that of Lyndon Johnson's Great Society proposals. This new edition analyzes Obama's policy victories in his first six months in office, but the fate of his major priority—health care financing reform—remained undecided in the summer of 2009. The structure of his White House and the role of cabinet secretaries in his administration were established early in his term, and they are the subject of new sections in the book.

ACKNOWLEDGMENTS

This book has benefited from the generosity of others. I would like to thank Don Reisman, who originally proposed the idea to me, for his enthusiasm and encouragement. Thanks also to Ron Geisler, executive clerk to the president from 1982 to 1994, and his staff for helping me to understand the operation of the presidency, particularly the appointments process. Tim Saunders succeeded his former boss, Ron Geisler, as executive clerk to the president and generously continued to provide me with authoritative data on the presidency and the White House.

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James P. Pfiffner

ABOUT THE AUTHOR

James P. Pfiffner is University Professor in the School of Public Policy at George Mason University. In 2007, he was S. T. Lee Professorial fellow at the Institute for Advanced Study at the University of London. He has also taught at the University of California, Riverside, and California State University, Fullerton. His major areas of expertise are the presidency, American national government, and public management. He has lectured on these topics at universities in Europe and throughout the United States, as well as at the Federal Executive Institute, the National War College, the U.S. Military Academy, and at the State, Justice, and Defense Departments. In addition to *The Modern Presidency*, he has written or edited eleven other books on the presidency, including *The Strategic Presidency: Hitting the Ground Running* (2nd edition, 1996); *Power Play: The Bush Presidency and the Constitution* (2008); and *Torture as Public Policy: Restoring U.S. Credibility on the World Stage* (2010). He has published more than eighty articles and book chapters on the presidency, American government, and public management.

He is an elected member of the National Academy of Public Administration, and he has been a panel member or on project staffs of the National Commission on the Public Service (the Volcker Commission), the Center for Strategic and International Studies, the National Academy of Sciences, and the Center for the Study of the Presidency. His professional experience includes service in the director's office of the U.S. Office of Personnel Management (1980–1981) and being a guest scholar at the Brookings Institution. In 1990, he received the Distinguished Faculty Award at George Mason University, and in 1999 he received the College of Arts and Sciences Scholarship Award. While serving with the 25th Infantry Division (1/8 Artillery) in 1970, he received the Army Commendation Medal (with "V" device) for Valor in Vietnam and Cambodia.

THE MODERN PRESIDENCY



President George Walker Bush at the inauguration for his second term in office on January 20, 2005. (© Brian Snyder/Reuters/CORBIS)

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THE PRESIDENCY: ORIGINS AND POWERS

CHAPTER

1

When Barack Obama took the oath of office on January 20, 2009, the institution of the presidency into which he was stepping would not have been recognized by the Framers of the Constitution. Nevertheless, the Framers would have recognized the political dynamics of the separation of powers system they designed. The nation's chief executive wields much more power than they anticipated, although in 1789 Thomas Jefferson had some intimation of the future of the office: "The TYRANNY of the legislature is really the danger most to be feared, and will continue to be so for many years to come. The tyranny of the executive power will come in its turn, but at a more distant period."¹ That "more distant period" arrived 150 years after his prediction—in the last half of the twentieth century. Insofar as there is any threat of one branch dominating the government, it will be the executive branch.

Presidency scholars distinguish between the "traditional presidency," from 1788 to 1933, and the "modern presidency," from 1933 to the present.² The metamorphosis began with the presidency of Franklin Roosevelt and his presiding over major historical developments in the United States and the rest of the world through four elections. The Roosevelt era marked the transformation of the presidency from a small, personalized office to a collection of specialized bureaucracies with hundreds of professional staffers. This book examines the major elements of the modern presidency, with special attention to the causes and consequences of the transformation of the office in the second half of the twentieth century.³

Three broad themes will be explored. Chapters 1 and 2 examine the changing relationship between the president and the American people. The presidency is now much more closely linked to the people through their right to vote in primary elections. But even more striking is the familiarity people feel with the chief executive because they see the president on television or on their computers virtually every day of the year. Chapters 3 and 4 trace the growth of the presidency, its institutionalization, and its increasing control of the executive branch. Finally, Chapters 5, 6, and 7 explore how the Framers of the Constitution intended the executive branch to be constrained by Congress and the courts and how the balance of power among the branches of government has shifted over the course of the modern presidency.