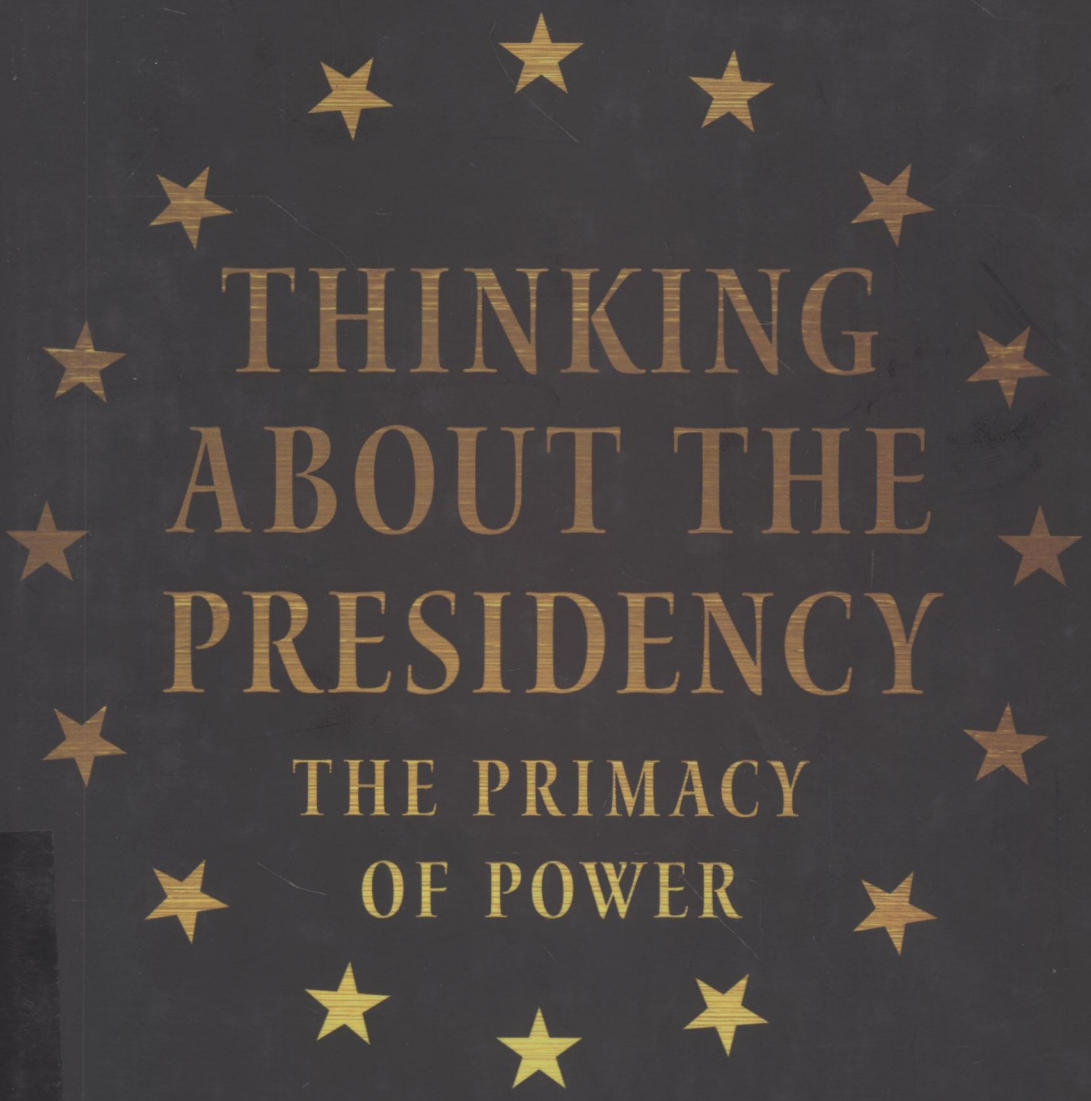

# THINKING ABOUT THE PRESIDENCY

## THE PRIMACY OF POWER

WILLIAM G. HOWELL

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## The Primacy of Power

*William G. Howell*

With David Milton Brent



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# Thinking about the Presidency

*For Esther, my sister*

# Preface

Whereas David Mayhew famously argued that members of Congress care first and foremost about their electoral fortunes, in this short book, we argue that presidents care about power: about acquiring it, protecting it, and expanding it. While individual presidents obviously hold many other concerns dear (an interest in shaping policy, building a legacy, strengthening their party, among other things), the primacy of power considerations sets presidents apart from all other political actors. The search for and defense of power, in one way or another, informs nearly everything the president says and does. Power is the president's North Star.

The men and (someday) women who eventually become president may not come into this world with an appetite for power. An interest in power may not even inform their original decisions to seek the office. Rather, the need to acquire, protect, and expand power is built into the office of the presidency itself, and it quickly takes hold of whoever temporarily bears the title of chief executive. This concern for power descends on and then seizes even the most reluctant modern presidents, those whose modest ambition is merely to serve the public interest. For what the public expects of the president, as we shall soon see, is not modesty at all. It is nothing short of mastery.

Presidential candidates who foreswear the use of certain power instruments during a campaign—compare, for instance, Senator Barack Obama's principled arguments for the sparing use of signing statements and President Barack Obama's regular and controversial employment of them—quickly learn to appreciate their merits once in office. And those who continue to resist the imperatives of power—James Buchanan, William Taft, or Herbert Hoover—are predictably repudiated by their contemporaries and largely forgotten by subsequent generations.

We do not rule out the possibility that some presidents may enjoy power for power's sake. As the political scientist Robert Spitzer aptly notes, power can act as a "narcotic" for those who sit in the Oval Office. But the main reason presidents care so much about power has less to do with

their addiction to grandiosity and far more to do with their constitutional inability to address the extraordinary expectations put before them. The mismatch between public expectations of the president and the formal constitutional powers he is granted yield a nagging preoccupation with power. At every turn, presidents must guard what power they have been given and invent what power they can in order to satisfy a public longing for leadership.

Presidents' interest in power, then, is primarily instrumental in nature. Most presidents most of the time want power for what power can give them: a way of placating today's public and tomorrow's historians who stand in judgment of them. Presidents need not have spent a lifetime nurturing a taste for power in order to fixate, at nearly every turn, on power once in office.

That presidents want power is one thing. That presidents should have it is quite another. Since the nation's founding, arguments favoring and opposing a strong executive branch have been a mainstay of America's philosophical and political tradition. As the book unfolds, we will introduce some notable figures—ranging from Woodrow Wilson to Ron Paul—who have come down on one side or the other of this normative divide. But while we harbor our own opinions about this issue, the argument we lay out here should not be read as either an attack or defense of a bold, empowered presidency. That is a discussion for another book. Here, instead, we make the case that an abiding preoccupation with power helps explain a great deal of what presidents actually do, regardless of whether the public interest, the constitution, or our national polity is made better for it.

Along the same lines, the argument we present here does not advocate for any specific normative object of presidential power, even though normative content is the president's stock in trade. By their very nature, government policies and actions are laden with normative considerations—a fact that goes some distance toward explaining why imprecations of presidential overreach and the perceived abuses of executive authority nearly always come first, and certainly always ring loudest, from members of the opposition party. Liberals could not stand the idea of a powerful president as long as George Bush remained in office. Their concerns promptly lifted, however, the moment that Obama took office; and now conservatives

are having their turn at deprecating the privacy intrusions and regulatory extensions that they associate with a strong presidency. Partisans will always judge presidential power on the ends toward which it is aimed. Once again, though, this book eschews these normative debates about the particular uses to which presidents invest their authority.

Here, we focus strictly on the positive claim that presidents, for better or worse, seek power. With this claim, our hands are full enough. To make this argument, we need to clearly define what we mean by power. We need to trace the origins—both intellectual and historical—of presidents' preoccupation with power. We need to explore how this motivation affects the actual behaviors of men in office. We need to consider the consequences for those presidents who, upon occasion, do not embrace power—who dissemble when action is called for, who delegate when decisions must be made, who retreat in the face of calamity. And we need to identify the origin of those forces—be they appeals to conscience, political tradition, legal doctrine, or the adjoining branches of government—that stymie presidents' ambitions.

Explaining presidents by reference to a single motivation comes at some cost. Inevitably, the nuance and character of individual administrations is lost. By design, continuities across presidential administrations overshadow differences. And one risks devolving into caricature, both of the men who serve as president and of the diverse obligations that come before them.

But there are benefits to this approach as well. By recognizing the character and potency of power considerations, we can make sense of presidential actions that otherwise appear irrational. Fixing our eyes on the fundamentals of the American presidency, we can guard against distraction—and with so much being said about presidents during the twenty-four-hour news cycle, distractions run wild. By seeing presidential motivations for what they really are rather than for what we would have them be, we may distinguish partisan pleas for executive forbearance from attempts at genuine reform aimed at achieving balance across the various branches of government.

This book, we hope, will reach two communities. The first and more familiar (at least to us) consists of scholars of the American presidency, with whom we share an allegiance. We have long thought that our field

would benefit, as the literatures on Congress and the courts already have, from a clear and simple articulation of what presidents want. Such distillations provide common points of departure that, when successful, can help to organize and integrate scholarship with wildly different methodological orientations. Progress, though, does not hinge on either acquiescence or consensus. There are plenty of things about Congress that cannot be readily explained by reference to its members' concerns about reelection. Likewise, scholars are bound to disagree about the relative importance of power considerations to presidents. Yet by scrutinizing the explanatory powers of these singular motivations, scholars foster a common conversation that, at its best, productively moves a subfield forward.

We also hope this book reaches a second, larger audience: an American public struggling to make sense of all the political machinations in Washington. Public debate about presidents, we have long thought, resembles the endless jawing about college and professional sports. Analysts devote countless hours of radio and television airtime and inches of column space bellyaching about the relevance of each and every dimension of players' and coaches' lives for the outcome of an upcoming game. They worry about how recent charges of a linebacker's infidelity will affect a quarterback's confidence to stay in the pocket; how a recent spat between coach and player bodes for a team's morale; how wind currents and religious convictions and familial strife will bear on the outcome of a game. From this rich stew are born analysts' endless predictions, nearly all of which are distractions.

Forecasting events in the future and making sense of those in the past, in most cases, comes down to a handful of foundational dimensions of the game being played. The outcome of most baseball games, particularly come playoff time, ultimately hinges on good pitching. In football, it's about matchups at key positions and sound coaching. In any given game, of course, other factors may come into play. But the amount of attention devoted to these factors grossly exceeds their general importance. Most of what is offered up as analysis is really just prattle.

So it is with presidents. On news shows and talk radio programs, in opinion magazines and the ever-expanding blogosphere, presidents' lives are dissected again and again. Washington insiders opine about all matter of things—presidents' families, moral sensibilities, emotive qualities,

leadership styles, personal relationships with individual legislators, speaking skills—as if every piece of minutia offered unique insights into presidents' actual behavior in office. But they do not—at least not reliably, and certainly not about the things that matter most: the decisions presidents actually make about the content and implementation of public policy. In actuality, presidents work in a highly institutionalized setting, face a common set of expectations, and confront a reasonably well-defined set of political allies and opponents. Hence, when acting in their official capacity, presidents' actions are a great deal more predictable than our talking heads would have us believe. If we want to understand actual presidential behavior, we would do well to simply ignore the preponderance of what political analysts say: like sportscasters, these analysts are more interested in entertaining their audience than in offering meaningful insights into actual outcomes.

What should we monitor when making sense of presidential politics? Like in the sporting world, we should look toward fundamentals. This book makes the case that a sustained interest in power should count among them.

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*William G. Howell*
*Chicago, IL*

# Thinking about the Presidency

# Contents

CHAPTER 1

# On Being President

What do we expect of our president? The answer is at once obvious and unbelievable: everything.

We want our president to stimulate our national economy while protecting our local ones—and we roundly condemn him when either shows signs of weakness. We call on the president to simultaneously liberate the creative imaginations of private industry and regulate corruption within. We call on the president, as the main steward of the nation's welfare, to resuscitate our housing and car industries while reducing the national debt. We bank on the president, as commander in chief, to wage our wars abroad while remaining attentive to all emergent foreign policy challenges beyond today's battlefields. We look to the president, as the nation's figurehead, to be among the first on the scene at disasters, to offer solace to the grieving, to assign meaning to lives lost and ruined. All this we expect presidents can do. All this we insist they must do.

From the very beginning, the nation's presidents have fielded a long litany of policy challenges. In his brief "First Annual Message to Congress" (now more popularly called the State of the Union address), George Washington talked about security, foreign affairs, immigration, innovation, infrastructure, education, and the standardization of weights, measures, and currency. With the possible exception of the last item, all the issues that Washington prioritized have remained on the president's agenda.

In the modern era, however, the items on this list of issue areas have proliferated; hence, it is the modern American presidency to which the arguments of this book speak most directly. Today, presidents must offer policy solutions on trade, health care, the environment, research and development, government transparency and efficiency, energy, and taxation. They must clean our air and water, protect our borders, build our infrastructure, promote the health of our elderly, improve the literacy

rates of our children, guard against everything from the effects of Midwestern droughts to the spread of nuclear weapons—all this and more. Fundamentally, presidents are charged with striking a balance between the nation's competing, often contradictory priorities: intervening abroad versus spending at home; cutting taxes versus protecting social programs; keeping Americans secure versus keeping Americans free.

There is hardly any domain of public life, and only a few of private life, where the president can comfortably defer to the judgments of others, where he (before long, she) can respond to some plea for assistance with something akin to "I hear you, but I can't help you," where he can insist that action on the matter is above his pay grade. It is difficult even to conceive of an aspect of public life wherein the president is given a pass—where he can either hesitate before acting or forego action altogether without incurring the media and public's wrath. Harry Truman's desk placard that read "the buck stops here" was not a point of vanity. It was a gross understatement. All bucks circulating in politics stop with the president. And they do so whether the president likes it or not.

Just ask Mike Kelleher, President Obama's director of presidential correspondence, about how much Americans expect from the president. One hundred thousand e-mails, ten thousand paper letters, three thousand phone calls, and one thousand faxes arrive at his office every day. And nearly all of these communiqués include pleas for presidential leadership of one form or another. The president receives petitions from the elderly to deliver their retirement benefits, appeals from business owners to stem their operating costs, and requests from activists of all stripes to attend to the environment, nuclear proliferation, and foreign affairs. Though more mundane, other requests reveal the extent to which American citizens feel perfectly entitled to burden the president with personal tasks and obligations. They offer recommendations on which books he ought to read; their children pepper him with questions and advice of their own; distressed Americans seek solutions to their emotional, psychological, and medical issues; and the moral police deliver benedictions to ban certain video games.

The list of obligations put before the president continually evolves, and nearly always in expansionary ways. Presidents now offer leadership in policy domains for which the federal government lacks any constitutional

responsibility. Consider, by way of example, recent presidential efforts to reform public education. The 2002 No Child Left Behind (NCLB) Act is widely touted as George W. Bush's signature domestic policy achievement. And with good reason. NCLB is credited (or blamed, depending on one's view of the matter) with introducing and fortifying accountability provisions in all public schools, which universally include rigorous standardized testing provisions. Not to be outdone, Barack Obama devoted considerable efforts through his "Race to the Top" initiative to reform school governance. Through competitive grants, the president cooked up yet another mechanism by which the federal government might further intrude into state and local education policy—in this instance, by advancing merit pay for teachers, charter schools, the development of data systems capable of tracking student performance over time, and the establishment of clear standards for progress. Moreover, in the last year Obama has unilaterally offered waivers for the most onerous provisions of NCLB to those states who adopt the president's preferred education policies. That public education formally falls within the province of state (and by extension local) governments did not dissuade either Bush or Obama from taking up the mantle of education reform, searching for (and often inventing) new ways to make their mark.

Yet no matter how much the president says about any particular policy issue, it is never enough to satiate the public's thirst for presidential leadership. Recall, by way of example, President Obama's 2011 State of the Union address. Even before the big day, the requests poured in from all corners of political life. As the *New York Times* chronicled, "Interest groups have buried the White House with a barrage of unsolicited advice about what they want him to say." The wish list included stricter gun control laws, curbs on the bullying of gay American children, protections for existing welfare programs, and cuts to those very same programs.

Eventually, of course, the president had to decide for himself what to say. And though his speech ran the better part of an hour, the chattering classes still saw fit to castigate the president for neglecting their pet causes. Many criticized Obama for not focusing enough attention on the deficit. Though Obama did propose measures to tackle the problem, he supposedly neither offered an adequate number of solutions nor displayed sufficient leadership to ensure their passage. Other observers, meanwhile,

criticized the president's lack of specificity, while still others charged that the president devoted *too much* time to the deficit, and not nearly enough to the related issue of jobs. Some pundits even lamented the president's oversight of certain aspects of education, a topic that he indisputably discussed at length.

With all the demands competing for his attention, it is no surprise that the president cannot hope to get by with a light, easy work schedule. Every minute of a president's day is scheduled, usually months and sometimes even years in advance. On July 1, 1955, to select an entirely arbitrary day, President Eisenhower went home to his farm in Gettysburg, PA. His time at home included two and a half hours set aside for entertaining colleagues from the White House and the cabinet and their spouses. Earlier that morning, the president's day began in Washington with breakfast with a senator, followed by ten other appointments that included discussions on world disarmament and minimum wages, a cabinet meeting, and a meet-and-greet with forty-three boy scouts. Reflecting on this mad-dash daily schedule, Eisenhower wrote to a confidant, "These days go by at their accustomed pace, leaving little time for the more pleasurable pursuits of life . . . by the time I get to the office I am in the midst of politics, economics, education, foreign trade, and cotton and tobacco surpluses."

Fast-forward fifty years, and we discover a president's official schedule that is even more serried. On July 1, 2005, to pick yet another date at random, President George W. Bush held his customary intelligence briefing, received an award from the National Society of the Sons of the American Revolution, oversaw a bilateral meeting with the prime minister of Kuwait, spoke at length with Supreme Court Justice Sandra Day O'Connor and two senators, publicly announced O'Connor's resignation, visited with and subsequently presented Purple Hearts to some soldiers injured in Iraq and Afghanistan, and finally retreated to Camp David.

Presidents must attend not merely to the multitude of issues waiting on their desks, but those popping up around the country and world. Hence, in 2010 alone, President Obama took 65 domestic trips out of Washington. His predecessors also showed the same zeal for domestic travel, holding an average of 649 public events outside the DC area per presidential term between 1989 and 2005. Internationally, Obama took 16 trips to 25 countries in his first two years as president, while previous presidents between